IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:06cv23

MORGAN STANLEY, DW, INC.,)
Plaintiff,)
Vs.) ORDER
CYNTHIA M. DAILEY; STERLING M. MYERS; BETTY MARTIN;)))
BURT SMITH; and CAROL SMITH)
Defendants.)

THIS MATTER is before the court on

- (1) Morgan Stanley DW, Inc.'s Motion for Authority to liquidate securities, deposit accounts' proceeds and cash with court, retain commission and fees, and dismiss Plaintiff and award attorneys' fees (#20); and
- (2) Morgan Stanley DW, Inc.'s Motion to Dismiss Defendants Betty Martin, Burt Smith and Carol Smith's Counterclaims (#31).

It appearing that these motions are ripe, but that such motions and underlying pleadings have generated a number of arguments, some of which appear to be uncommon in the arena of interpleader, a hearing will be scheduled.

ORDER

IT IS, THEREFORE, ORDERED that a hearing is scheduled on all now pending motions for July 14, 2006, at 2 p.m. in Asheville. If all pending motions are amicably resolved and withdrawn before such date, or if this action is resolved and dismissed in its entirety in a manner that complies with Rule 41, Federal Rules of Civil Procedure, such hearing will be cancelled.

Signed: June 20, 2006

Dennis L. Howell United States Magistrate Judge